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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 SUSAN H. CHADD, as personal
12 Representative of the ESTATE of
13 ROBERT M. BOARDMAN, deceased,
14 and for herself, and JACOB A.
15 HAVERFIELD,

16 Plaintiffs,

17 v.

18 UNITED STATES OF AMERICA,

19 Defendant.

CASE NO. 11-5894 RJB

ORDER GRANTING MOTION FOR
RELIEF FROM A DEADLINE AND
RENOTING MOTION

20 This matter comes before the Court on the Plaintiff's Motion for Relief from Deadline
21 and Motion to Continue Hearing on Defendant's Motion to Dismiss Based upon the
22 Discretionary Immunity Exception Pending the Court's Ruling on Defendants' Motion to
23 Dismiss for Lack of Jurisdiction. Dkt. 18. The Court has considered pleadings filed regarding
24 the motion and the record.

Plaintiffs file this Federal Tort Claims Act ("FTCA") case against the United States
stemming from a fatal mountain goat attack which occurred in Olympic National Park. Dkt. 1.

ORDER GRANTING MOTION FOR RELIEF
FROM A DEADLINE AND RENOTING MOTION-

1 On March 28, 2012, Defendant filed a Motion to Dismiss, asserting that this Court lacks subject
 2 matter jurisdiction over Plaintiffs' claims because of the discretionary function exception to
 3 liability under the FTCA. Dkt. 12.

4 On April 16, 2012, this Court denied, without prejudice, the Defendants' motion to stay
 5 discovery. Dkt. 23. That Order held that "[i]n order to fully and fairly consider the issues raised
 6 by Defendant's assertion of the discretionary exception defense, the motion to stay discovery
 7 should be denied without prejudice." *Id.*

8 In the pending Motion, Plaintiffs seek more time to respond to the Defendant's Motion to
 9 Dismiss. Dkt. 18. Plaintiffs argue that more discovery is necessary. Dkt. 18. Plaintiffs argue
 10 that the Motion to Dismiss should be renoted to July 13, 2012, in order to give the parties the
 11 time for the necessary discovery and an opportunity to fully brief the issues. The United States
 12 does not oppose this motion. Dkt. 32.

13 Plaintiff's motion for relief from a deadline and motion to continue the United States'
 14 motion to dismiss (Dkt. 18) should be granted. The United States' Motion to Dismiss (Dkt. 12)
 15 should be renoted to July 13, 2012. Parties' response and reply briefs, if any, should be filed in
 16 accordance with the Federal Rules of Civil Procedure and the Western District of Washington's
 17 Rules of Civil Procedure.

18 Accordingly, it is hereby **ORDERED** that:

- 19 • The Plaintiff's Motion for Relief from Deadline and Motion to Continue Hearing
 20 on Defendant's Motion to Dismiss Based upon the Discretionary Immunity
 21 Exception Pending the Court's Ruling on Defendants' Motion to Dismiss for
 22 Lack of Jurisdiction (Dkt. 18) **IS GRANTED**;

- 1 • The United States' Motion to Dismiss (Dkt. 12) **IS RENOTED** to **JULY 13,**
2 **2012;** and
- 3 • Parties' response and reply briefs, if any, **SHALL** be filed in accordance with the
4 Federal Rules of Civil Procedure and the Western District of Washington's Rules
5 of Civil Procedure.

6 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
7 to any party appearing *pro se* at said party's last known address.

8 Dated this 23rd day of April, 2012.

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11 ROBERT J. BRYAN
12 United States District Judge
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